

# VOTE CUYAHOGA COUNTY BOARD OF ELECTIONS

Board Meeting  
8-17-2020

**THIS MEETING WAS HELD VIA TELECONFERENCE IN ACCORDANCE WITH  
H.B. 197, 133<sup>rd</sup> G.A. §12 (2020)**

**Attending:**

Jeff Hastings, Chairman  
David Wondolowski, Member  
Rob Frost, Member/via teleconference  
Inajo Davis Chappell, Member/via teleconference  
Anthony W. Perlatti, Director  
Shantiel Soeder, Deputy Director  
Mark R. Musson, Assistant Prosecutor, Cuyahoga County/ via teleconference  
Anthony Alto, Clerk to the Board/via teleconference  
Linda Walker, Clerk to the Board/via teleconference

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The Cuyahoga County Board of Elections Meeting began at 9:30 am. Hereinafter referred to as the CCBOE/Board.

Chairman Hastings noted that Board Members Wondolowski, Director Perlatti, Deputy Director Soeder, and he were present in person. Board Members Chappell and Frost were present via teleconference.

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**Agenda Item 1: Approval of minutes from the July 13, 2020 board meeting**

Chairman Hastings moved to approve the minutes from the July 13, 2020 board meeting. Board Member Wondolowski seconded. Board Member Frost made a friendly amendment to amend the meeting minutes. The motion passed unanimously.\*

**Agenda Item 2: Acknowledgement of Secretary of State Directives 2020-12, 2020-13, 2020-14, 2020-15, and 2020-16**

Board Member Chappell asked how staff plan to manage the traffic flow for curbside voting. Director Perlatti stated that he is working with local police and fire departments to

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\* Narrative that is underlined in the CCBOE minutes relate to a motion that was acted on by the Board.

determine best practices. Board Member Chappell also asked to place information of curbside voting prominently on the website.

Chairman Hastings moved to acknowledge Secretary of State Directives 2020-12, 2020-13, 2020-14, 2020-15 and, 2020-16. Board Member Wondolowski seconded. The motion passed unanimously.

**Agenda Item 3: Adoption of Resolution in Recognition of Jane B. Sheats, former Chairwoman of the Cuyahoga County Board of Elections**

Board Member Chappell read the resolution on the record.

Chairman Hastings moved to adopt the Resolution in Recognition of Jane B. Sheats, former Chairwoman of the Cuyahoga County Board of Elections. The motion passed unanimously.

**Agenda Item 4: Determination of the validity of provisional ballots and authorization to count provisional ballots from the August 4, 2020 Special Election**

Registration Manager Betty Edwards stated that there were three provisional ballots issued and confirmed to be valid during the August 4<sup>th</sup> Special Election.

Chairman Hastings moved to approve the validity of provisional ballots and authorize counting the provisional ballots from the August 4, 2020 Special Election. Board Member Wondolowski seconded. The motion passed unanimously.

**Agenda Item 5: Acknowledgement of disposal of 135 ES&S AutoMARK ballot marking devices**

Director Perlatti stated that the CCBOE's inventory of ES&S AutoMARK units were purchased when the County had many more polling locations than currently. A substantial number of AutoMARK units have not been used in recent elections nor have they been covered by the ES&S service agreement for years. ES&S does not manufacture this equipment anymore, therefore the extra non-working units have no resale value. CCBOE intends to have the balance of the non-working units destroyed by North Coast Recycling, the County's recycling vendor.

Chairman Hastings moved to acknowledge the disposal of 135 ES&S AutoMARK ballot marking devices. Board Member Wondolowski seconded. The motion passed unanimously.

## **Agenda Item 6: Certification of remaining candidates for the November 3, 2020 Presidential General Election**

Brent Lawler provided a brief overview of the hearing. Petitioner, Richard, a.k.a. “Rocky”, Neal filed a valid petition to be certified to the ballot as a candidate for State Board of Education District 11. Mr. Neal appeared on the ballot five times previously as “Richard Neale”. This year Mr. Neal asks to be placed on the ballot as Richard “Rocky” Neale. Staff maintains that per the Ohio Elections Officials Manual and Secretary of State Directive 2019-27 a candidate cannot use a nickname on the ballot. Staff is bringing this issue before the Board for review.

Chairman Hastings stated that the Board package contained documents from Mr. Neal showing that he is often referred to as “Rocky”. APA Musson stated that although the Elections Officials Manual prohibits nicknames, it does allow for use of derivatives of their legal name. Courts have also found that use of a non-legal name is permissible if that is how the candidate is generally known. However, a candidate cannot use a non-legal name to manipulate or deceive voters. If the Board finds that either “Rocky” is a derivative of “Richard”, or that “Rocky” is how Mr. Neal is generally known by, and that the intent is not to deceive or manipulate voters, then they have the discretion to allow the non-legal name on the ballot.

Mr. Neal was placed under oath and testified that ever since he was a child he has always been known as “Rocky”, not “Richard”. Mr. Neal provided letters from various companies and organizations referring to him as “Rocky” Neal.

Board Member Wondolowski stated that he is satisfied with the evidence provided that Mr. Neal is known as “Rocky”.

Chairman Hastings stated that he’s known Mr. Neal for over 40 years and has always known him as “Rocky”. He asked Mr. Neal if he is asking the Board to place him on the ballot as Richard “Rocky”, or just “Rocky”. Mr. Neal responded that he is asking for just “Rocky”.

Board Woman Chappell asked Mr. Neal why he wants to change his name on the ballot now whereas he previously ran as Richard Neal. He replied that he didn’t pay much attention to it before because he always ran unopposed, and CCBOE staff directed him to use his legal name.

Board Member Wondolowski moved to allow Mr. Neal to be placed as Rocky Neal on the ballot. Chairman Hastings seconded. The motion passed unanimously.

Chairman Hastings moved to certify the remaining candidates for the November 3, 2020 Presidential General Election as recommended by staff. Board Member Wondolowski seconded. The motion passed unanimously.

#### **Agenda Item 7: Certification of remaining issues for the November 3, 2020 Presidential General Election**

Candidate and Petition Services Manager Brent Lawler provided a brief overview of the hearing. Petitioner, Meijers Store 321, submitted 270 signatures for a local option. The local issue requires 240 valid signatures. Staff found 239 to be valid. Corey Columbo, on behalf of Petitioner argued that five signatures that staff invalidated should be found valid. Staff is presenting this issue for Board review.

Chairman Hastings stated that the Board has reviewed the filings and documents from the Petitioner, the Board, and Assistant Prosecuting Attorney (“APA”) Mark Musson. Chairman Hastings asked Mr. Columbo to present his argument.

Mr. Columbo stated that a signer, Rachel Kopeck, signed the petition with her maiden name, rather than her married name. It was noted that on the basis of case law, both Ohio’s courts and the Secretary of State have held that when a Board of Elections rejects a signature, they may return and validate it if it finds that the voter affirms his/her signature. Mr. Columbo has presented the Board with an affidavit from Rachel Kopeck testifying to the authenticity of her signature.

Board Member Wondolowski moved to validate Ms. Kopek’s signature. Chairman Hastings Seconded.

APA Mark Musson stated that the standard is clear and convincing evidence. The CCBOE may consider an affidavit, and it has discretion to accept or reject the signature.

Chairwoman Chappell stated that Ms. Kopek did identify herself as the signer, and that the standard is satisfied. Thus, she supports the motion.

Board Member Frost stated that he also supports the motion for the same reasons as stated by Board Member Chappell The motion passed unanimously.

**Agenda Item 8: Acknowledgement of withdrawal of candidates for the November 3, 2020**

**Presidential General Election**

Chairman Hastings moved to acknowledge the withdrawal of candidates for the November 3, 2020 Presidential General Election. Board Member Wondolowski seconded. The motion passed unanimously.

**Agenda Item 9: Acknowledgement of resignations from and appointments to elected office**

Chairman Hastings moved to acknowledge the resignations from and appointments to elected office. Board Member Wondolowski seconded. The motion passed unanimously.

**Agenda Item 10: Approval of vouchers**

Fiscal Manager Kendra Zusy stated that the voucher for item #1 is a license renewal. APA Musson stated that he reviewed the contract.

Chairman Hastings moved to approve the vouchers as recommended by staff. Board Member Wondolowski seconded. The motion passed unanimously.

**Agenda Item 11: Approval to purchase two DS850 Central Count Ballot Scanners**

Director Perlatti stated that the Ohio Secretary of State (“SOS”) Frank LaRose encouraged boards of elections to purchase more ballot scanning equipment in anticipation for high absentee voting numbers. They expect to scan over 1 million pages, and these machines have the capacity to handle the heavy load.

Chairman Hastings moved to approve the purchase two DS850 Central Count Ballot Scanners. Board Member Wondolowski seconded. The motion passed unanimously.

Board Member Chappell asked about the warranties, liabilities, and remedies for the refurbished machines. APA Musson commented on the warranties, liabilities, and the need to balance the benefit of the purchase against the risk in light of the accelerated timeline of the election. This purchase does include a maintenance agreement.

**Agenda Item 12: Approval of personnel agenda**

Chairman Hastings moved to approve the personnel agenda as provided in the meeting materials. Board Member Wondolowski seconded. The motion passed unanimously.

**New Business:**

Director Perlatti provided an update for the November General Election. He stated that staff has redrawn all polling location diagrams taking into account social distancing guidelines. They were able to reconfigure most locations with less than a thirty percent loss of voting booths. Some precincts will be moved out of locations in order to meet social distancing guidelines. The CCBOE will not be using senior citizen residential facilities as polling locations. Board Member Chappell asked that all information regarding polling location changes be prominently displayed on our website.

Director Perlatti stated that staff has received a significant number of poll worker applications from new applicants. Election Officials Department Manager Henry Curtis will provide an update at the next board meeting.

Director Perlatti stated that the CCBOE is participating in a voter registration drive with a group of female mayors in honor of the ratification of the 19<sup>th</sup> Amendment.

Board Member Chappell stated that she and Director Perlatti spoke to the Cleveland Metropolitan Bar Association (“CMBA”) about working on Election Day. She thanked Director Perlatti for his contributions to the discussions.

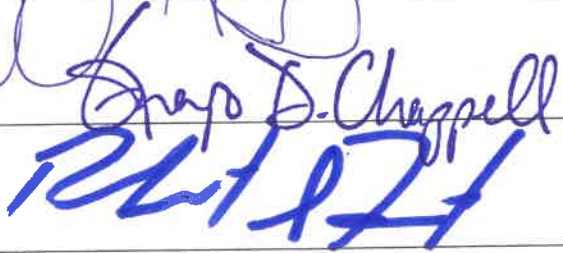
Chairman Hastings moved to recess at 10:53am. Board Member Wondolowski seconded. The motion passed unanimously.

Certification: I have reviewed the above minutes and certify that they are an accurate summary of the actions taken by the Cuyahoga County Board of Elections at its meeting held on August 17, 2020.

Jeff Hastings, Chairman


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Inajo Davis Chappell, Member

A handwritten signature in blue ink that reads "Inajo D. Chappell" in a cursive script, followed by a large, bold "P.L. 17" written below it.

Robert S. Frost, Member

David J. Wondolowski, Member

A handwritten signature in blue ink that reads "David J. Wondolowski" in a cursive script, with a large, bold "P.L. 17" written below it.

Anthony Perlatti, Director